

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RICHARD KIRKPATRICK, #15320-078 §
VS. § CIVIL ACTION NO. 4:10cv696
UNITED STATES OF AMERICA § CRIM. NO. 4:08cr92(01)

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Don D. Bush who issued a Report and Recommendation concluding that the motion to vacate, set aside or correct a sentence pursuant to 28 U.S.C. § 2255 should be dismissed for lack of jurisdiction. The Movant has filed objections.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Movant to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Petitioner are without merit. Therefore the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the court. It is accordingly

ORDERED that the motion to vacate, set aside or correct the Movant's sentence pursuant to 28 U.S.C. § 2255 is **DISMISSED** for lack of jurisdiction. All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this the 29th day of August, 2013.

Richard A. Schell
RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE